

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 9686 OF 2017
IN RAST/22995/2017

UNION OF INDIA THR GENERAL MANAGER, WESTERN RAILWAY,
CHURCHGATE, MUMBAI

VERSUS

SHANTARAM HILAL BORSE (PATIL) AND OTHERS

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Advocate for Applicant : Mr. Navandar Manish N.

Advocate for Respondents : Mr. Vishnu B. Madan

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CORAM : V. K. JADHAV, J.

DATED : 2nd AUGUST, 2017

PER COURT:-

1. Learned counsel for the applicant submits that by common order dated 28.9.2015, in first appeal No. 196 of 2015 and other connected first appeals, this court had an occasion to consider the order passed by the Railway Tribunal, dismissing the applications preferred by the original claimants, seeking condonation of delay caused in filing the claim petitions and the Court accordingly quashed and set aside the order passed by the Tribunal and relegated the parties to the Tribunal for deciding the applications filed by the applicants seeking condonation of delay, afresh. The Tribunal was also directed to consider the grounds put forth by the applicants while deciding the said applications. Learned counsel submits that inadvertently the present matter was listed in the said group of appeals. In this matter, the respondents original claimants remained

absent before the Tribunal on two dates, fixed for hearing and therefore, the Tribunal has dismissed the said claim petition.

2. Learned counsel appearing for the respondents original claimants has not disputed this position.

3. In view of above submissions, delay in filing this civil application is condoned. The civil application No. 11423 of 2015 in first appeal St. No. 8099 of 2015 is restored to its original number and the order dated 28.9.2015 is modified to that extent. Civil application No. 9686 of 2017 is disposed of.

4. Fix the said civil application alongwith the first appeal for hearing on 09.08.2017.

(V. K. JADHAV, J.)

rlj/